

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

ORDER

The Department's decision is affirmed.

REASONS

The Medicaid regulations impose patient "cost sharing" payments for various medical services. W.A.M. § M103.2 C. Included in the regulations are co-payments of between \$1 and \$3 for prescriptions, \$3 for outpatient hospital services, and \$75 for the first day of any hospitalization. *Id.* There are no exceptions in the regulations based on individual circumstances.

Although these payments are undoubtedly difficult for the petitioner, it appears that the Department has acted pursuant to the pertinent regulations.¹ As such, the Board is bound to affirm the decision. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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¹ At the hearing (held on August 18, 2004) the petitioner also took issue with the amount of her Food Stamps (currently \$12 a month). Although the Department appears to have correctly calculated her Food Stamps based on her income and reported shelter expenses, the petitioner may also be able to deduct out-of-pocket medical expenses. She should immediately bring any such expenses to the attention of her worker. If she disagrees with the Department's determination as to whether any of these expenses qualify as a deduction from her income in calculating the amount of her Food Stamps, she can appeal that decision to the Board.